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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/772,940	01/31/2001	Toshimichi Kawai	Q62766	9878

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SUGHRUE, MION, ZINN, MACPEAK & SEAS
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037

EXAMINER	
HOFFMAN, BRANDON S	

ART UNIT	PAPER NUMBER
2136	

DATE MAILED: 08/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/772,940	KAWAI, TOSHIMICHI	
	Examiner	Art Unit	
	Brandon Hoffman	2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-12 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-12 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 31 January 2001 is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Should applicant desire to obtain the benefit of foreign priority under 35 U.S.C. 119(a)-(d) prior to declaration of an interference, a translation of the foreign application should be submitted under 37 CFR 1.55 in reply to this action.

Abstract

2. The abstract of the disclosure is objected to because line 6, "can use can be" should be –can use be– and on line 7, "with out" should be –without–. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thandiwe (U.S. Patent No. 5,594,319).

Regarding claim 1, Thandiwe teaches an information terminal including an apparatus and a battery pack, wherein:

Said information apparatus comprises:

- A device load having an input device (col. 2, lines 48-50);
- A first switch for switching on/off the electric power supplied by said battery pack (col. 2, lines 43-45);
- An apparatus memory for storing a first password (col. 3, lines 11-16);
- A communication section for communicating with said apparatus memory, said input device and said battery pack (col. 2, lines 50-51); and

Said battery pack comprises:

- A battery for supplying electric power for said information apparatus (fig. 1, ref. num 14); and
- A battery memory for storing a second password (fig. 1, ref. num 26),
    - Wherein said communication section communicates with said battery memory and said apparatus memory, when said first switch is turned on, reads out said first and second to compare said first password with said second password, and said communication section turns on said second switch so as to supply electric power from the battery pack to said device load when said first password is identical to said second password as a result of the comparison, while it turns off said second switch so as not to supply electric power from said battery pack to the device load when said first password differs from said second password (col. 2, lines 20-42).

Thandiwe does not specifically teach the information apparatus comprising a second switch for switching on/off the electric power for said device load supplied by said battery pack, on the basis of a control signal from said communication section. Thandiwe does teach the battery comprising a switch controlled by the communication section (fig. 1, ref. num 16).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify a second switch for switching on/off the electric power for said device load supplied by said battery pack, on the basis of a control signal from said communication section located in the information apparatus with the terminal of Thandiwe. It would have been obvious for such modifications because placing the security in the information apparatus provides higher security. If the second switch were left in the battery, a user may simply replace the battery with a different one, thus defeating the security. If the second switch lies in the information apparatus, it does not matter what battery is used. It is much harder to surpass an information apparatus than it is to replace a battery.

Regarding claim 2, Thandiwe teaches an information terminal including an information apparatus and a battery pack, wherein:

Said information apparatus comprises:

- A device load having an input device (col. 2, lines 48-50);

- A first switch for switching on/off the electric power supplied by said battery pack (col. 2, lines 43-45);
- An apparatus memory for storing a first password (col. 3, lines 11-16);
- A communication section for communicating with said apparatus memory, said input device and said battery pack (col. 2, lines 50-51); and
- A load power supply for supplying electric power for said device load (col. 1, lines 13-15, laptops are known to have their own power supply provided by a power cord plugged into the wall. The battery still remains in the laptop, however, the main source of power comes from the power cord in the wall.), and

Said battery pack comprises:

- A battery for supplying electric power for said information apparatus (fig. 1, ref. num 14); and
- A battery memory for storing a second password (fig. 1, ref. num 26),
    - Wherein said communication section communicates with said battery memory and said apparatus memory, when said first switch is turned on, reads out said first and second to compare said first password with said second password, and said communication section turns on said second switch so as to supply electric power from the battery pack to said device load when said first password is identical to said second password as a result of the comparison, while it turns off said second switch so as not to supply electric power from said load power supply to the device load when said first password differs from said second password (col. 2, lines 20-42).

Thandiwe does not specifically teach the information apparatus comprising a second switch for switching on/off the electric power for said device load supplied by said load power supply, on the basis of a control signal from said communication section. Thandiwe does teach the battery comprising a switch controlled by the communication section (fig. 1, ref. num 16).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify a second switch for switching on/off the electric power for said device load supplied by said battery pack, on the basis of a control signal from said communication section located in the information apparatus with the terminal of Thandiwe. It would have been obvious for such modifications because placing the security in the information apparatus provides higher security. If the second switch were left in the battery, a user may simply replace the battery with a different one, thus defeating the security. If the second switch lies in the information apparatus, it does not matter what battery is used. It is much harder to surpass an information apparatus than it is to replace a battery.

Regarding claim 3, Thandiwe as modified teaches wherein said battery supplies electric power to said device load, said apparatus memory, said communication section and said battery memory (col. 1, line 66 through col. 2, line 1, the host device is supplied power from the battery, such as in a laptop configuration. The battery would therefore provide power to the device load, apparatus memory, communication section,

and battery memory; the battery actually provides power to each piece of the apparatus.).

Regarding claim 4, Thandiwe as modified teaches wherein said battery supplies power to said apparatus memory, said communication section and said battery memory (col. 1, line 66 through col. 2, line 1, the host device is supplied power from the battery, such as in a laptop configuration. The battery would therefore provide power to the device load, apparatus memory, communication section, and battery memory; the battery actually provides power to each piece of the apparatus.).

Regarding claim 5, Thandiwe as modified teaches wherein power is supplied from said information apparatus to said battery memory (col. 2, lines 20-42).

Regarding claims 6 and 7, Thandiwe as modified teaches wherein said input device performs setting or changing said first and/or second passwords via said communication section (col. 3, lines 11-16).

Regarding claim 8, Thandiwe as modified teaches wherein said first password is identical with said second password (col. 2, lines 35-42).

Regarding claim 9, Thandiwe as modified teaches wherein said first password and said second password are set up prior to a factory shipment (col. 3, lines 5-16).

Regarding claim 10, Thandiwe as modified teaches wherein said first password and said second password are any one of a number, a letter, and a cipher (col. 3, lines 5-16).

Regarding claim 11, Thandiwe as modified teaches wherein both said apparatus memory and said battery memory are non-volatile (col. 3, lines 5-16).

Regarding claim 12, Thandiwe as modified teaches wherein each of said memories is an EEPROM (col. 3, lines 5-16).

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cho (U.S. Patent No. 6,647,498) and Bensimon et al. (U.S. Patent No. 5,533,125). Cho describes a CMOS password-setting feature that prevents illegal use of a computer system. Bensimon et al. describes a removable security feature that obtains the same desired effects as the application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon Hoffman whose telephone number is 703-305-4662. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 703-305-9648. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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